



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 1097-00  
18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 14 March 1972 at the age of 18. Your record reflects that on 12 July 1972 you received nonjudicial punishment (NJP) for a 25 day period of unauthorized absence (UA) and were awarded a \$280 forfeiture of pay and restriction for 30 days.

Your record contains a message dated 19 January 1973 which notes that you were convicted by civil authorities of assault and disturbing the peace. You were sentenced to confinement for 30 days.

Your record further reflects that on 20 March 1974 you were convicted by special court-martial (SPCM) of two periods of UA totalling 107 days. You were sentenced to confinement at hard labor for four months, forfeitures totalling \$800, and a bad conduct discharge (BCD). On 28 June 1973 you requested that the BCD be immediately executed. Subsequently, the BCD was approved at all levels of review and ordered executed. On 23 April 1974 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent and lengthy periods of UA. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director